

UNITED STATES OF AMERICA,                    )  
  )  
                          Plaintiff,            )  
vs.    ) Case No: 17-CR-038 (PG)  
  )  
ISIDRO SUAREZ-REYES,                        )  
  )  
  )  
                          Defendant.            )

A P P E A R A N C E S

Mr. Marc Chattah, AUSA

Mr. Ruben Cerezo, ESQ.

1 (PROCEEDINGS COMMENCED AT 2:02 P.M.)

2

3 DEPUTY CLERK: Criminal Case 17-38, United States  
4 of America versus Isidro Suarez-Reyes. Case called for  
5 change of plea. On behalf of the Government, Assistant U.S.  
6 Attorney Marc Chattah. On behalf of the defendant, Ruben  
7 Cerezo. The defendant is present and he will be assisted by  
8 the official court interpreter.

9 MR. CHATTAH: Good afternoon, Your Honor.

10 THE COURT: Good afternoon.

11 MR. CEREZO: Your Honor, Ruben Cerezo on behalf of  
12 the defendant. We are ready to proceed.

13 THE COURT: All right. The matter is before the  
14 Court for change of plea.

15 May I have Defendant's full name for the record.

16 THE DEFENDANT: Isidro Suarez-Reyes.

17 THE COURT: And how old are you, sir?

18 THE DEFENDANT: 49.

19 THE COURT: What is the extent of your education?

20 THE DEFENDANT: To go to college.

21 THE COURT: Have you taken any drugs, pills or  
22 medicines within the last 24 hours?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Do you realize you are in a courtroom?

25 THE DEFENDANT: Yes, Your Honor.

1           THE COURT: And you are here to plead guilty to  
2 the only count of the indictment?

3           THE DEFENDANT: Yes, Your Honor.

4           THE COURT: Do you know what you have been charged  
5 with?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: So there is no need for me to read to  
8 you the charges at this time?

9           THE DEFENDANT: No, Your Honor.

10          THE COURT: Have you had enough time to consult  
11 with your attorney before coming here this afternoon?

12          THE DEFENDANT: Yes, Your Honor.

13          THE COURT: All right. Are you satisfied with his  
14 services up to now?

15          THE DEFENDANT: Yes, Your Honor.

16          THE COURT: I find Mr. Suarez-Reyes competent to  
17 plead.

18                 The way we are going to carry out this change of  
19 plea is I am going to ask you questions. If you do not  
20 understand my questions, you may ask me to repeat the  
21 question to you. If you have any doubts as to the answers  
22 you are to give to my questions, then you may consult with  
23 your attorney who is standing next to you. Do you  
24 understand that?

25          THE DEFENDANT: Yes, Your Honor.

1           THE COURT: Now, did your attorney explain to you  
2           that if you had decided to go to trial, you would have the  
3           right to have your trial tried by a jury in this court?

4           THE DEFENDANT: Yes, Your Honor.

5           THE COURT: Did he also explain to you that during  
6           the course of said trial, you would be presumed to be  
7           innocent, and it would be the Government who would have the  
8           obligation of proving you guilty beyond a reasonable doubt  
9           before you could be found guilty, and you did not have to  
10          prove that you were innocent? Do you understand that?

11          THE DEFENDANT: Yes, Your Honor.

12          THE COURT: Did he also explain to you that during  
13          the course of said trial, you would come to this courtroom  
14          together with your attorney? Here you would be able to see  
15          and hear all the witnesses that the Government would present  
16          in its case. Through your attorney, you could cross-examine  
17          those witnesses, object to the evidence being presented by  
18          the Government, and you would also have the right to present  
19          any evidence before the jury. Were you explained that?

20          THE DEFENDANT: Yes, Your Honor.

21          THE COURT: Did your attorney also explain to you  
22          that if you had decided to go to trial, during the course of  
23          the trial, you would have the right to take the witness  
24          stand and testify before the jury, but you also have the  
25          right not to testify? And if you decided not to testify, no

1 member of the jury could vote or decide that you were guilty  
2 just because of the fact that you did not testify. Do you  
3 understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Now, by pleading guilty this  
6 afternoon, we will not have a trial, and I will enter a  
7 judgment of guilty and sentence you based on your plea of  
8 guilty after considering a presentence report. Do you  
9 understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Also by pleading guilty, you will  
12 waive the right that you have not to incriminate yourself,  
13 since I will be asking you some more questions about what  
14 you did in this case in order to satisfy myself that you are  
15 guilty as charged, and you will have to acknowledge your  
16 guilt. Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Now, by accepting your guilt in this  
19 case, then you are waiving the right that you have not to  
20 testify or not to incriminate yourself; that you will do so  
21 by admitting the facts charged in the count. Do you  
22 understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Now that I have explained to you the  
25 rights that you have and the fact that you are waiving these

1 rights by pleading guilty, do you still wish to plead guilty  
2 in this case?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Did your attorney explain to you what  
5 the maximum possible penalty provided by the law is?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And if you recall, what is it that he  
8 explained to you? Tell me what he explained to you.

9 THE DEFENDANT: That if I pled guilty --

10 THE COURT: Do you know what you are exposing  
11 yourself to by pleading guilty?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: What were you explained by your  
14 attorney?

15 THE DEFENDANT: Maximum of 20.

16 THE COURT: A maximum of 20 years.

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: A fine that could go up to \$250,000?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: A term of supervised release of not  
21 more than three years, and a \$100 special monetary  
22 assessment?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Are you presently serving any other  
25 sentence?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: All right. Has anyone threatened you  
3 in any way to induce you to plead guilty?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Is anyone forcing you in any way to  
6 get you to plead guilty?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: Has anyone made any promises to you or  
9 offered you any rewards or things of money to get you to  
10 plead guilty?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Has anyone told you what specific  
13 sentence the Court will impose?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Did your attorney explain to you that  
16 parole has been abolished, and if the Court sentences you to  
17 a term of imprisonment, you will have to serve that term of  
18 imprisonment without being released on parole? Were you  
19 explained that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did he also explain to you that at the  
22 time of sentence, you will have an opportunity to address  
23 the Court and make any comments on the presentence report,  
24 which you will have a copy and so will the Government and  
25 the Court? Were you explained that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Now, did your attorney explain to you  
3 that if at anytime during the sentencing hearing, either  
4 your attorney or the attorney for the Government made any  
5 recommendations to the Court as to sentence, that the Court  
6 would not be bound by said recommendation as to sentence,  
7 and that the Court could impose any sentence up to the  
8 20 years that you know of? Were you explained that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Did your attorney also explain to you  
11 that depending on the sentence that the Court imposes -- I  
12 will withdraw that.

13 Did the attorney explain to you that the Court has  
14 discretion to impose any sentence up to the maximum of  
15 20 years?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Did he also explain to you that if the  
18 Court were to impose a sentence higher than any one you  
19 might be expecting, that that reason alone will not be  
20 grounds for the Court to allow you to withdraw your plea of  
21 guilty, and you would still be bound by your plea agreement?  
22 Were you explained that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: You are charged in Count One that on  
25 or about January the 20th, 2017, here in the District of



1 Puerto Rico, you, being an alien, attempted to enter the  
2 United States after having been removed therefrom on or  
3 about August the 5th, 2014, at or near Alexandria, Virginia,  
4 and after having departed the United States while an order  
5 of exclusion, deportation or removal was outstanding,  
6 subsequent to an aggravated felony conviction, you did not  
7 have nor did you obtain the express consent of the Secretary  
8 of Homeland Security to reapply for admission to the United  
9 States.

10 That's what you are charged with in Count One, and  
11 I ask you, is that what you did?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And that is what you are pleading  
14 guilty to this afternoon?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do we have a summary of the evidence  
17 in the possession of the Government?

18 MR. CHATTAH: Yes, Your Honor. Had this gone to  
19 trial, the United States would have proven beyond a  
20 reasonable doubt all the elements of the charged offense,  
21 including that on January 20, 2017, at approximately  
22 3:13 p.m., a United States Coast Guard cutter intercepted a  
23 vessel northwest from the coast of Aguadilla with 30  
24 subjects who claimed to be undocumented aliens; 28 from the  
25 Dominican Republic and two from Haiti. For safety reasons,

1 all subjects were transferred to the Coast Guard cutter. A  
2 check of the fingerprints in the biometric system revealed  
3 that one of the detained individuals, Isidro Suarez-Reyes,  
4 had previous immigration and/or criminal history.

5 On January 23, 2017, at approximately 5:00 p.m.,  
6 Boarder Patrol agents met with the United States Coast Guard  
7 cutter at the Mayaguez port of entry and interviewed each of  
8 the detained individuals as to their citizenship and  
9 nationality. All individuals admitted to being citizens or  
10 nationals of the Dominican Republic and that they did not  
11 have immigration documents to enter or remain in the United  
12 States legally.

13 On January 8, 2010, Suarez-Reyes was issued an  
14 order of removal in absentia by an immigration judge, yet,  
15 Suarez was formally removed on August 5, 2014  
16 to the Dominican Republic after serving a term of  
17 imprisonment sentence.

18 On March 19, 2014, Suarez-Reyes was sentenced to  
19 serve 18 months of imprisonment for violation of 21 U.S.  
20 Code 843(b), use of telephone to facilitate a drug  
21 trafficking offense.

22 Had the United States proceeded to trial, the  
23 Government would have presented testimony from law  
24 enforcement agents, testimony from a fingerprint expert  
25 analyst, the defendant's statement, the defendant's removal

1 documents, and other documentary evidence.

2 Full discovery was timely provided to the defense.

3 THE COURT: Mr. Cerezo, did you receive discovery  
4 from the Government?

5 MR. CEREZO: Yes, Your Honor, I did.

6 THE COURT: Did you sit down with your client and  
7 discuss that evidence with him?

8 MR. CEREZO: Yes, Your Honor.

9 THE COURT: Mr. Suarez, do you agree with the  
10 evidence in the possession of the Government as to what you  
11 did in this count?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Having advised the defendant of his  
14 rights, the fact that he is waiving them by pleading guilty,  
15 I find he is acting voluntarily, full knowledge of the  
16 consequences. There is a basis in fact for the plea.  
17 Judgment of guilty shall be entered in this case in the  
18 one-count indictment as to this defendant. I will request a  
19 presentence report.

20 Sentence is set for July the 14th, 2017 at  
21 10:00 o'clock. If you have problems with that date,  
22 Counsel, let me know later on. We can always work around  
23 it.

24 MR. CEREZO: Will do. Thank you. Permission to  
25 withdraw.

1 THE COURT: Anything else?

2 MR. CEREZO: Permission to withdraw.

3 THE COURT: Thank you. You may withdraw.

4 (PROCEEDINGS ADJOURNED AT 2:17 P.M.)

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1 UNITED STATES DISTRICT COURT )  
2 OF PUERTO RICO ) ss.  
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5 **REPORTER'S CERTIFICATE**  
6  
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8 I, LISA O'BRIEN, do hereby certify that the above  
9 and foregoing, consisting of the preceding 12 pages,  
10 constitutes a true and accurate transcript of my  
11 stenographic notes and is a full, true and complete  
12 transcript of the proceedings to the best of my ability.

13 Dated this 15th day of January, 2018.  
14

15 S/Lisa O'Brien  
16 Lisa O'Brien  
17 USDC Court Reporter  
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